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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,840	07/01/2005	Hendrikus Markus Veltman	262469US6PCT	7212
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
ROBERTS, JESSICA M				
ART UNIT		PAPER NUMBER		
2621				
NOTIFICATION DATE		DELIVERY MODE		
09/30/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/519,840

Applicant(s)

VELTMAN ET AL.

Examiner

JESSICA ROBERTS

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/21/2010 has been entered.

Status of the Claims

Claims 5,6,8,9 and 13 are currently pending. Claims 1-4, 7, 10, 11 and 12 have been cancelled.

Acknowledgment of Amendment

Applicant's amendment filed on 04/21/2010 overcomes the following objection(s)/rejection(s):

The double patenting objection to claims 5 and 13 has been withdrawn in view of Applicant's amendment.

Response to Arguments

Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 5-6, 8-6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shigeru et al. JP-8-149464 in view of Masuo et al., JP-9-9258 and further in view of Kato et al., US-6,795,498.

As to **claim 5**, Shigeru teaches A decoding apparatus for executing a decoding process on a plurality of encoded information encoded with an encoding system capable of at least B-pictures for inter-prediction-encoding, said decoding apparatus comprising: storage means for temporarily storing restored image information sequentially created by the decoding process ([0007], fig. 4 elements 60, 72-74, and fig. 1 elements 60, 72-74) and for temporarily storing the encoded information (fig. 4 element 71); and output control means for controlling output of the restored image information stored in said storage means (Shigeru teaches where the frame memory

reading-and-writing control section 64 controls a reproduced image output [0022] and fig. 4 element 64), wherein said output control means ([0022] and fig. 4 element 64), when restored image information fails (figs. 4, 1 elements 60) to be stored in said storage means (figs. 4, 1 elements 72-74) re-outputs restored image information outputted just before the failure ([0023]). Shigeru is silent in regards to ignores a decoding start time set for a first encoded information of a plurality of encoded information stored in said storage means, to start decoding prior to the decoding start time of the first encoded information, the encoded information including a picture encoding type and said output control means, when a storing order of encoded information being stored in said storage means is different from an order before the encoding, re-outputs restored image information corresponding to the encoded information having a different order.

However, Masuo teaches to the encoded information including a picture encoding type ([0021] and [0022]), ignores a decoding start time set for a first encoded information of a plurality of encoded information ([0025], [0030] stored in said storage means (the main memory 6 is used for buffering of the encoded video data which is needed in this decoding process, or storing of reference video signal data [0027] and [0015]), to start decoding prior to the decoding start time of the first encoded information (A decoding start control means reads encoded video data from a buffering means based on information, including said decoding start time, supplies it o a decoding means, and makes decoding start in the first decoding Mohd. Standard decoding Mohd who performs the same decoding as having the numerals side by this is realized. A

decoding start control means reads encoded video data from a buffering means based on the monitored result of a buffering monitoring means, supplies it to a decoding means, and makes decoding start in the second decoding Mohd. This Mohd is special decoding Mohd who can make it decode without using information, including decoding start time etc, [0016-0017]. Since Masuo discloses a decoding start control means reads encoded video data from a buffering means based on information, including said decoding start time, supplies it o a decoding means, and makes decoding start in the first decoding Mohd. Standard decoding Mohd who performs the same decoding as having the numerals side by this is realized. A decoding start control means reads encoded video data from a buffering means based on the monitored result of a buffering monitoring means, supplies it to a decoding means, and makes decoding start in the second decoding Mohd. This Mohd is special decoding Mohd who can make it decode without using information, including decoding start time etc, it is clear to the Examiner that Masuo discloses a control means that decodes a first encoded video data and second video data, where the second decoded video data is not decoded using the start time of the first decoded data which reads upon the claimed limitation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Masuo with Shigeru for providing improved image quality.

Shigeru (modified by Masuo) is silent in regards to when an order of encoded information is different from an order before the encoding, outputs restored image information corresponding to the encoded information having a different order.

However, Kato teaches when an order of encoded information is different from an order before the encoding, outputs restored image information corresponding to the encoded information having a different order (Kato discloses where the control section 35 changes the frame-image sequence supplied from the motion estimation section 34 and consisting of frames arranged in the order they should be displayed, thus generating a frame-image sequence consisting of frames arranged in the order they will be encoded. The frame-image sequence thus generated is output to an encoding section 38, col. 12 line 36-42, and fig. 3, 4-6. Figures 3, 4-6 clearly disclose that the order of the input pictures to the encoder (order before encoding) are different from the order of the output bit-stream from the encoder and the encoder outputs the encoded bitstream, which reads upon the claimed limitation. Taking the teachings of Kato, where it is disclosed that the input bitstream is different that the encoded bitstream, and the encoded bitstream is outputted incorporated with the decoder that included a storage means for storing encoded information and re-outputs restored information now discloses the all features of claim 5.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Kato with Shigeru for providing

As to **claim 6**, Shigeru (modified by Masuo and Kato) as a whole teaches everything as claimed above, see claim 5. In addition, Shigeru teaches a control means ([0022]). Shigeru is silent in regards to the decoding apparatus according to claim 5, wherein: when a failure occurs, said output control means offsets a lag from the

decoding start time occurred due to ignoring the decoding start time, by re-outputting restored image information outputted just before the failure.

However, Masuo teaches when a failure occurs; offsets a lag from the decoding start time occurred due to ignoring the decoding start time, by re-outputting restored image information outputted just before the failure ([0038]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Masuo with Shigeru for providing improved image quality.

As to **claim 8**, see the rejection and analysis made in **claim 5**, except this is a method claim to the apparatus of **claim 5**. Thus the rejection and analysis made for claim also applies. The Examiner notes since Kato discloses the control section changes the frame image sequence supplied from the motion estimation section and consisting of frames arranged in the order they should be displayed, thus generating a frame-image sequence consisting of frame arranged in the order they will be encoded, it is clear to the examiner that the control section determines (judges) that the order for the encoded frames (encoded information) is different from the frame sequence supplied from the motion estimation section, which reads upon the claimed limitation.

As to **claim 9**, see there rejection and analysis for claim 6, except this is claim to a method with the same limitation as the apparatus of claim 6. Thus the rejection and analysis made for claim 6 also applies here.

As to **claim 13**, claim 13 see the rejection and analysis made for claim 5, except this is method claim to the apparatus of claim 5. Thus, rejection and analysis made for claim 5 also applies here.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
5. Okada et al., US-7,706,445.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA ROBERTS whose telephone number is (571)270-1821. The examiner can normally be reached on 7:30-5:00 EST Monday-Friday, Alt Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/Jessica Roberts/
Examiner, Art Unit 2621